

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E2924 (35-AREA)

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MEMORANDUM DECISION

Exchange Application Number E2924 (35-AREA), in the name of Jane Sanders, was filed on April 5, 1992, to exchange 0.2 acre-foot of water as evidenced by Beaver and Shingle Creek Irrigation Company Stock Certificate 1961 under Water Right Numbers 35-8852 (Award 852), 35-8862 (Award 862), and 35-8880 (Award 880), Weber River Decree. The 0.2 acre-foot of water is to be released into the Weber River and, in lieu thereof, 0.2 acre-foot of water will be diverted from a 6-inch well, 100 feet to 400 feet deep, located South 410 feet and West 325 feet from the NE Corner of Section 30, T 2S, R 7E, SLB&M, and used for the domestic purposes of one family from April 1 to November 1.

The application was advertised in The Summit County Bee from May 1, 1992, to May 15, 1992, and was not protested.

It appears that this exchange can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Exchange Application Number E2924 (35-AREA) is hereby **APPROVED** subject to prior rights and the following conditions:

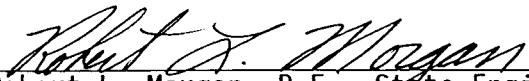
- 1) The basis for this exchange right is ownership of stock by the applicant in the Beaver and Shingle Creek Irrigation Company. This ownership must be maintained in good standing for this exchange to remain valid. No water may be withdrawn from the well if valid ownership of this stock is not in effect.
- 2) Total diversion under this exchange application for all uses applied for is limited to 0.2 acre-foot of water per year during the period from April 1 to November 1. These uses are limited to the domestic purposes of one family. For the purpose of regulating this exchange, the applicant shall install a permanent totalizing meter to measure withdrawals from the underground water well, which meter(s) shall be available for inspection by the commissioner of the Weber River at any reasonable time.
- 3) The water being exchanged shall be released into the Weber River drainage as called for by the river commissioner.

This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days

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after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 6th day of November, 1992.


Robert L. Morgan, P.E., State Engineer

RLM:JRM:dt:jb

Mailed a copy of the foregoing Memorandum Decision this 6th day of November, 1992, to:

Jane Sanders
2569 Liberty Lane
Heber City, UT 84032

E. Blaine Johnson
Weber River Water Commissioner
1615 East Shadow Valley Dr.
Ogden, UT 84403

Beaver and Shingle Creek Irrigation Company
c/o Duane Lambert
P.O. Box 685
Kamas, UT 84036

BY: 
Judy Barbour, Secretary